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# Spy names bill passed by Senate

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WASHINGTON — The Senate passed a bill 90-6 yesterday making it a crime for journalists to identify publicly U.S. covert intelligence agents, even if the information comes from open records.

The Intelligence Identities Protection Act was strongly supported by the Reagan administration and the CIA, both of whom said it was needed to protect undercover agents from public exposure and possible attack by terrorists.

But critics, including a senior Democrat on the Senate Intelligence Committee, predicted that the legislation would be struck down by the courts.

"I am afraid it is going to be declared unconstitutional," said Sen. Joseph Biden (D., Del.), who voted against the measure, despite his general support for the need to block publication of agents' names.

Biden led an unsuccessful fight over several months to make it more difficult under the law to prosecute individuals, including journalists or authors, unless it could be proved they deliberately set out to disrupt intelligence operations.

The bill now goes to a House-Senate conference committee. The House had passed an even tougher version of the measure earlier.

The American Civil Liberties Union and other groups are expected to challenge the legislation as a violation of free press protections of the First Amendment.

The measure would allow prosecution of editors and reporters who had "reason to believe" that publishing agents' identities would disrupt U.S. intelligence operations.

On Wednesday, with heavy administration lobbying, the Senate rejected 55-39 a standard of proof urged by Biden under which a prosecutor would have had to demonstrate that a reporter intended to interfere with such operations.

Among those pushing for the "reason to believe" standard was Vice President Bush, a former CIA director.

The House bill would prohibit identification of former as well as present CIA agents. It also would protect intelligence informants paid by the government.

The chief sponsor of the Senate version, Sen. John Chafee (R., R.I.), said the legislation was designed to shut off a small number of anti-CIA publications, such as the Covert Action Information Bulletin, which has made a campaign of ferreting out the names of agents around the world.

"It is not designed for legitimate news-gathering organizations which have published derogatory information about the CIA without exposing the names of agents," Chafee said.

Chafee acknowledged that such "legitimate" publications occasionally named CIA agents or operatives, but did not say how those publications and their reporters and editors would escape prosecution.

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